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Protection of and assistance to internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, in accordance with General Assembly resolution 60/168 and Commission on Human Rights resolution 2005/46.

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Report of the Representative of the Secretary-General on the human rights of internally displaced persons

Summary

In his third report to the General Assembly pursuant to its resolution 60/168, the Representative of the Secretary-General on the human rights of internally displaced persons describes the main activities undertaken during the period from September 2006 to July 2007. During this period, he actively pursued dialogue with Governments through missions, working visits and various follow-up activities. He also pursued his efforts to cooperate with regional organizations that provide significant support to the development of a normative framework for protecting the rights of internally displaced persons and, consistent with his mandate, continued to work with United Nations agencies in order to ensure better mainstreaming of the fundamental rights of displaced persons into their activities.

During the reporting period, moreover, the Representative was particularly interested in the linkages between internal displacement and peace processes, and, in particular, the search for durable solutions for displaced persons as a means of ensuring the continuity of peacebuilding efforts.

Lastly, as usual, the Representative formulates a set of recommendations for all the main actors involved in handling internal displacement matters, including Governments which, in accordance with the Guiding Principles on Internal Displacement, have the primary responsibility for providing protection and assistance to displaced persons within their jurisdiction.

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I. Introduction

1. This report, which is being submitted pursuant to General Assembly resolution 60/168 and Commission on Human Rights resolution 2005/46, is the third report by Mr. Walter Kälin since his appointment to the post of Representative of the Secretary-General on the human rights of internally displaced persons.

2. This report contains an account of the activities conducted by the Representative of the Secretary-General in implementation of his mandate during the period from September 2006 to July 2007. As in previous years, the Representative actively pursued dialogue with Governments and with regional organizations and United Nations agencies in a common effort to ensure better mainstreaming of the human rights of internally displaced persons into their activities. As is customary, the Representative also formulates some conclusions and recommendations addressed to Governments, international organizations and civil society.

II. Activities conducted by the Representative of the Secretary-General in implementation of his mandate

3. During the reporting period, the Representative delivered his general report to the Human Rights Council. On this occasion, the Representative also presented reports prepared on the Côte d'Ivoire and Colombia missions. The presentation, given during the Council's fourth session, was followed by an interactive dialogue with States and non-governmental organizations (NGOs). In addition, the Representative went on a mission to Israel and Lebanon, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. The report on this mission (A/HRC/2/7), presented at the Council's second session, analyses, inter alia, the situation of persons displaced by the conflict of summer 2006.

4. The Representative, in implementing his mandate, continues to accord priority to regular and open dialogue with Governments. He also makes every effort to cooperate with regional organizations and United Nations agencies in a joint effort to ensure better mainstreaming of the human rights of internally displaced persons into their activities.

A. Dialogue with Governments

5. In accordance with Commission on Human Rights resolution 2005/46 and in the light of Principle 3 of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), which states that national authorities have the primary duty and responsibility to provide protection and assistance to displaced persons, the Representative continues to place special emphasis on dialogue with government authorities. Such dialogue, which he hopes will be open and constructive, is based, first and foremost, on country missions, which are the best way to find out what is really happening on the ground as a basis for more in-depth

and detailed discussions with national authorities. Moreover, out of a desire to support States seeking solutions to the problems faced by displaced persons, the Representative conducts working visits and carries out activities to follow up his prior missions or those of his predecessor.

1. Country missions

Central African Republic

6. At the Government's invitation, the Representative conducted an official visit to the Central African Republic from 24 February to 3 March 2007. In addition to Bangui, where he met with the President of the Republic, representatives of concerned ministries and the international community, the Representative visited the prefectures of Ouham and Ouham-Pendé in the northwest of the country, where he met with government authorities, representatives of civil society and international organizations and many displaced persons.[1]

7. The Representative noted that many displaced persons whose villages had been burned by security forces had had to seek refuge in the brush in conditions of great hardship and fears that this serious failure to provide protection in the Central African Republic could rapidly degenerate into a humanitarian crisis that is out of control. He believes that renouncing violence, dealing with the impunity that reigns in the country and engaging in constructive dialogue are the only ways to curb the serious human rights violations affecting persons displaced by this conflict in the north of the Central African Republic. In this context, the Representative calls on all actors to faithfully honour their commitments under applicable international law and appeals to humanitarian organizations to support the country in its efforts to respond to its displaced population's need for protection and assistance. Lastly, aware that a durable solution to this crisis cannot be found if the basic questions of the underdevelopment and marginalization of certain segments of the population are not addressed, the Representative calls on donors to pledge their assistance, without delay and on a voluntary basis, for an ambitious development programme in the north of the country.

Azerbaijan

8. At the invitation of the authorities, the Representative of the Secretary-General went on an official mission to Azerbaijan from 2 to 6 April 2007 in order to study the current internal displacement situation there and review the measures adopted to deal with it. During his visit, the Representative met with the President of the Republic, the Deputy Prime Minister and the President of the National Commission for Humanitarian Assistance to Refugees and Displaced Persons and other concerned leaders. He visited Baku, Sumgaït, Bilasuvar, Imishli and Sabirabad.[2]

9. At the conclusion of the mission, the Representative indicated that the situation of internal displacement in Azerbaijan is serious. He believes that since his predecessor's visit in 1998, genuine progress has been achieved not only with regard to the civil and political rights but also the economic and social rights of internally displaced persons. He noted, in particular, that some of the unhealthiest camps had finally been closed down and that new housing had been built in rural areas,

[1] The Human Rights Council will shortly consider the mission report.

[2] The Human Rights Council will shortly consider the mission report.

enabling displaced persons to lead a decent life. The Representative encouraged the Government to continue its efforts in this area, particularly given the situation of thousands of displaced persons living in collective housing and extremely difficult conditions in the urban area. Moreover, noting the difficulties that internally displaced persons still face in securing a means of subsistence, the Representative urges the Government to address this issue on a priority basis by strengthening, in particular, programmes to build their self-sufficiency and to give them an opportunity to become active and productive members of their society once again.

2. Working visits and follow-up activities

Turkey

10. During the period under consideration, the Representative continued the constructive dialogue that he had established with the authorities since his working visits to Turkey in 2005.

11. In September 2006, he participated in the launch of the Van province Plan of Action on Measures taken with regard to Internally Displaced Persons in Eastern and South-Eastern Anatolia. The Plan of Action, which reflects some of the Representative's earlier recommendations, sets out strategies to improve the living conditions of displaced persons in the province and to facilitate their reintegration into society. The Representative urged the Office of the Governor of Van to proceed with the implementation of the Plan of Action; he further recommended that the Turkish Government should assist the Van Governorate and support similar initiatives in other parts of the country.

12. Furthermore, on 6 December 2006, following an invitation by the Government, the Representative returned to Turkey to participate in the public presentation of the findings of the migration and internally displaced population survey undertaken by the Haceteppe University Institute of Population Studies at the request of the Government in order to assess the magnitude of internal displacement, assess the situation of both those who had already returned home and those who were still displaced and, lastly, to ask them about their future plans. The study found that some one million persons had left the 14 provinces of south-eastern Anatolia between 1986 and 2005 and that between 10 and 12 per cent had since returned.[3] The Representative welcomed the survey as an excellent basis for the Government to build on in planning programmes and strategies to address the challenges of finding durable solutions for internally displaced persons.

13. Moreover, in the light of the finding by the survey, that only one fifth of those eligible had filed a claim for damages suffered in the course of their displacement[4] within the deadline, the Representative suggested to the Minister of the Interior that he should extend the deadline. The Representative welcomes the Government's decision to extend the filing deadline by another year and invites the authorities to launch a public information campaign to explain the procedures and the types of damage eligible for compensation, the type of evidence required and the amount of

[3] According to the results of the survey, from 1985 to 2005 between 953,680 and 1,201,200 people left the 14 provinces of South-East Anatolia for security reasons. Between 10.9 and 12.1 per cent of them have since returned home.

[4] Until the beginning of 2007, the 2004 law allowed displaced persons to demand compensation for the damages they had suffered owing to their displacement.

compensation likely to be awarded. The Representative also welcomes the establishment, within the Ministry of the Interior, of a secretariat responsible for the coordinated implementation of the Compensation Law and the elaboration of plans of action for displaced persons and the returnee programme. He commends the initiative taken by the coordination secretariat to develop a matrix that would ensure greater coherence among the various provinces concerned with regard to the amount of compensation granted. He urges the authorities to support the secretariat as a matter of priority in its efforts to improve Turkey's response to internal displacement issues. The provision of adequate resources is particularly crucial in the context of the ongoing efforts to develop plans of action in the affected provinces, following the Van province plan, the initial implementation of which constitutes encouraging progress owing to its participatory and inclusive approach.

Georgia

14. At the invitation of the authorities, the Representative visited Georgia from 14 to 16 December 2006, as a follow-up to his mission to that country the previous year. During his visit, he participated in the public presentation of a draft global strategy to address internal displacement problems in that country.

15. In a letter dated 26 December 2006 addressed to the Georgian authorities, the Representative welcomed the Government's adoption of such a strategy. He remarked that the draft strategy was based on international human rights law and the Guiding Principles on Internal Displacement and that the principles of the right to return and the right to reintegration were at its very heart. The Representative also noted the commitment of the authorities to end the marginalization of internally displaced persons and the express desire to improve their living conditions, notably with regard to housing, education, health and employment. He also noted that all the relevant stakeholders should continue to work closely together and that strong donor support was necessary. The Representative welcomes the fact that, since his previous letter, the strategy has been endorsed and that a programme of work for its implementation is being prepared and should be adopted in the near future.

Armenia

16. At the invitation of the Government, the Representative undertook a working visit to Armenia from 12 to 15 April 2007, following the visit made by his predecessor, Francis Deng, in 2001. During his visit, the Representative met with the Prime Minister and the top senior officials responsible for internal displacement issues as well as with representatives of international and non-governmental organizations. In addition to Yerevan, he also went to Chambarak in Gegharkunik province.

17. In Armenia, the issue of internally displaced persons is the result of the conflict between Armenia and Azerbaijan and natural disasters. An estimated 72,000 people[5] and 65,647 families[6] were displaced by conflict between 1988 and 1994. With regard to natural disasters, the earthquake that devastated the north-west of the country in December 1998 forced some 100,000 people to flee their homes.

[5] See the report of the previous Representative, Mr. Francis Deng, issued as document E/CN.4/2001/5/Add.3.

[6] Norwegian Refugee Council, Mapping Survey, 1 March 2005.

18. According to a mapping survey conducted by the Norwegian Refugee Council and the State Department for Migration and Refugees pursuant to the recommendations of the previous Representative of the Secretary-General, 8,399 people or 10 per cent of those initially displaced by conflict were still displaced. During his field visits, including to the municipality of Chambarak, the Representative observed that the living conditions of some of the displaced persons gave cause for concern. A number of them had no income and were completely dependent upon Government humanitarian assistance programmes.

19. The Representative laments the lack of up-to-date information on natural disasters. He urges the authorities to gather such information in order to be able to identify the needs of displaced persons, respond adequately to their problems and find durable solutions to them.

20. The Representative observes that local reintegration is the preferred approach in Armenia, a country with little religious or ethnic diversity. He notes, however, that one consequence of this approach has been that specific issues related to internal displacement have not been addressed. Although efforts have been made to assist vulnerable population groups, no specific programme for displaced persons has been implemented by the authorities and no law addressing this particular subject has been adopted. Thus, the programme for the rehabilitation of border areas presented to the previous Representative in 2001 was never implemented. Nonetheless, the Representative welcomes the drafting by the migration agency of a new programme designed to facilitate the return to their places of origin of persons displaced from the border areas. The objective of the programme is to support the return of 1,005 families by rehabilitating and rebuilding homes, providing food assistance and a lump sum to the families concerned as seed money for income-generating activities.

21. The Representative is of the view that Armenia is unique in that it can resolve the remaining cases of internal displacement and, thereby, graduate from the list of countries with internal displacement problems. In that regard, he calls on the Government to adopt the return programme for the displaced and on the international community to support its implementation. The Representative transmitted a memorandum containing his conclusions and detailed recommendations to the Armenian competent authorities by letter dated 4 May 2007.

Côte d'Ivoire

22. Since the last report submitted to the General Assembly by the Representative, some important developments have taken place in Côte d'Ivoire, opening new prospects for its displaced population. The Representative welcomes the signing of the Ouagadougou Agreement between President Gbagbo and the Secretary-General of the Forces nouvelles, Guillaume Soro, and notes in particular that the Agreement explicitly refers to the fate of internally displaced persons and envisages the implementation of an aid programme for the war-displaced. On 9 March, the Representative wrote to the President of the Republic and to the Secretary-General of the Forces nouvelles in order to draw their attention to a number of points which he deemed vital to the process of national reconciliation, namely: helping displaced persons to recover their property and belongings and compensating them or providing them with appropriate compensation; paying particular attention to the

land issue; and ensuring that displaced persons participate in all stages of the electoral process.

23. At the invitation of the Government, the Representative undertook a follow-up visit to Côte d'Ivoire from 25 to 29 June 2007 to assess developments in the internal displacement situation following the signature of the Ouagadougou Agreement, continue the dialogue with the authorities and all the relevant stakeholders, identify the needs of displaced persons and make recommendations for appropriate assistance and protection.[7] In addition to Abidjan, the Representative visited the Guiglo, Blolequin and Bouake regions.

24. He notes from the information provided him that the situation has calmed down considerably and some spontaneous returns have already taken place in the north and the west of the country. The Representative emphasizes, however, that major challenges remain with regard to protection and the provision of humanitarian assistance to internally displaced persons and that just and lasting solutions must be found for the displaced, to achieve long-term peace. In his view, unless appropriate solutions are found to substantive issues, including the identification process and rural land ownership, the peace process could be derailed by a fresh outbreak of tensions.

25. With regard to the need to bring stability to the country, the Representative welcomes the fact that the security situation has greatly improved since the signing of the Ouagadougou Agreement, although incidents continue to be reported, including in the former zone of confidence. He stresses the urgency of providing the necessary resources to enhance the capacities of the security forces in order to improve the protection of persons and goods. The Representative is convinced that the redeployment of the administration, which has started with the redeployment of district administrators, will significantly contribute to improving the situation.

26. With respect to the return of displaced persons to their localities, the Representative welcomes the clear commitment of the authorities, at the highest level, to allow the displaced persons to return, and the commitment of their communities of origin to reintegrate them. However, the Representative noted during his visit that although certain issues such as the need for continued assistance during the transition period, which affects the entire return process, are the same in all the regions concerned, there were problems specific to the west and north of the country.

27. In the west of the country the Representative is concerned by the challenges of the series of displacements to which he had already referred in his mission report. Thus those displaced from Zou, who had found refuge in Blolequin, had left the farms they were occupying in order to allow the inhabitants to return but were not able to return to their own villages, which were still occupied by other displaced persons, and so found themselves in a particularly difficult situation. The Representative calls on the authorities to pay particular attention to this situation and to seek comprehensive solutions that would allow the phased return of the displaced persons. The Representative was also informed that agreements aimed at facilitating the reintegration of the displaced had been concluded between indigenous communities and people from other parts of the country or aliens who

[7] The Representative went on a mission to Côte d'Ivoire in April 2006 and his mission report (A/HRC/4/38/Add.2) was considered at the fourth session of the Human Rights Council.

were returning to their farms. The Representative welcomes the fact that these agreements, which take the form of an "integration code", are based on the traditions of the country, which should ensure greater ownership of the process by the population groups involved. However, he is concerned about conflicts that could arise from such agreements, which, in some cases, are unbalanced and impose the bulk of obligations upon those returning to their villages. Moreover, these agreements appear not to provide for a mechanism in the case of conflict between returnees and their stewards and, at times, appear to be inconsistent with the Law on Rural Land Tenure, which could further complicate the implementation of that Law. In that regard, the Representative called on the authorities to ensure that initiatives to facilitate reconciliation between communities are in conformity with minimum human rights and justice standards and respect everyone's right to dignity.

28. The Representative concludes that, for the most part, the obstacles to return in the north of the country are due to the marginalization of this region, which has a high level of unemployment, virtually no public administration and a slight increase in crime, but also a considerable number of occupied, looted or destroyed houses. He noted the impoverishment of the displaced population, especially the dire conditions in which particularly vulnerable groups such as women heads of households or very young mothers were living. He also realized, following conversations with displaced persons, that there was rising tension between communities.

29. The Representative recalls that identification and the issuance of identification documents is a key issue in the normalization process in Côte d'Ivoire. He noted with interest the efforts made in this sphere by the Government to strengthen the justice system to enable it to adequately address through the mobile courts the task of issuing substitute birth certificates. The Representative wishes to emphasize, however, that, for the time being, this procedure could create special difficulties for the displaced as it provides that a birth certificate must be issued at the birthplace of the individuals concerned. The Representative is particularly concerned by the fact that, in the context of the current electoral process, displaced persons might not be able to exercise their right to vote and participate in public life like their fellow citizens. Finally, he also wishes to stress that the identification process may result in cases of statelessness. He strongly urges the authorities to seek solutions to these problems and recommends a regional approach to these issues.

30. The Representative transmitted detailed conclusions and recommendations to the authorities in a communication dated 25 July [2007]. In particular, he calls upon the Government to take concrete measures to finalize, adopt and implement without delay the plan of action for the return of displaced persons prepared by the Ministry of Solidarity. He recommends that the international community should continue to develop and support programmes for displaced persons by remaining on the ground and reinforcing its presence in areas of return, wherever necessary. The Representative reminds donors of the importance of assisting the peace process by continuing to provide substantial support to programmes for internally displaced persons, in order to support the return process and ensure the continued presence of agencies and organizations involved in this field.

Nepal

31. In the context of the peace negotiations held in the autumn of 2006, the Representative wrote in October to the Transitional Government of Nepal and to the Communist Party of Nepal (Maoist) in order to emphasize the necessity of taking into account the fundamental rights of displaced persons in the peace process. In particular, he reminded both parties that displaced persons must be able to choose freely where they settle, to participate in elections like their fellow citizens and should be consulted regularly on issues affecting them. He also emphasized the importance of guaranteeing the security of persons returning to their homes, including in remote areas.

32. The Representative welcomes the fact that the Comprehensive Peace Agreement makes reference to the situation of displaced persons and, in particular, that it specifically mentions the right to return of displaced persons, their right to choose where they settle and the desire of the parties to create an atmosphere conducive to the normalization of mutual relations and reconciliation. Moreover, the Agreement establishes a National Peace and Rehabilitation Commission to develop assistance and rehabilitation activities for persons displaced by conflict.[8] However, the Representative is concerned by the numerous reports he has received on obstacles faced by returnees, especially in the areas that are remote from departmental capitals. He is also concerned about recent developments in the eastern Terai, notably with regard to those persons who were forced to flee in the wake of those events.

3. Forthcoming missions

33. As part of his activities for the second half of 2007 and the beginning of 2008, the Representative plans to visit Sri Lanka in December, at the invitation of the Government. He also received invitations from the Russian Federation and the Democratic Republic of the Congo.

34. The Representative also sent a letter to the Kenyan and Sudanese authorities on the subject of possible future missions and hopes to be able to set dates for such missions with the authorities in the near future. The Representative wishes to emphasize that the visit to the Sudan will be a joint initiative with his counterpart from the African Commission on Human and Peoples' Rights, the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa.

[8] See, in particular, paragraphs 5.2.4, 5.2.8 and 7.3.3 of the comprehensive peace agreement between the Government of Nepal and the Communist Party of Nepal (Maoist), signed on 21 November 2006.

4. Other interventions

35. During the period under review, the Representative participated in the work of the group of experts[9] requested by the Human Rights Council "to work with the Government of the Sudan, the appropriate human rights mechanisms of the African Union and to closely consult with the Chairman of the Darfur-Darfur Dialogue and Consultation (DDDC) to ensure the effective follow-up and to foster the implementation of resolutions and recommendations on Darfur, as adopted by the Human Rights Council, the Commission on Human Rights and other United Nations human rights institutions as well as to promote the implementation of relevant recommendations and to contribute to monitoring the human rights situation on the ground".[10]

36. Following its consideration of the report prepared by the group of experts (A/HRC/5/6), the Human Rights Council adopted at its fifth session a resolution in which it welcomed the report and requested the group to continue with its work for six months and submit an updated report to the session of the Council in September 2007 and a final report to the following session of the Council.[11]

37. On 17 and 18 April of this year, the Representative was invited to participate in the International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighbouring Countries, organized in Geneva by the Office of the United Nations High Commissioner for Refugees. In his statement, the Representative sought to highlight some of the challenges posed by the internal displacement of almost 2 million Iraqis. Although detailed information that would provide a clear idea of the difficulties that they faced was lacking, their situation was likely to be far greater cause for concern than that of those who had found refuge in other countries; internally displaced persons were closer to the conflict that had led to their displacement and the provision of adequate humanitarian assistance inside Iraq was extremely difficult. With respect to displaced persons, the Representative recalled that it was the responsibility of the Government to protect and assist its displaced citizens. In response to reports of restrictions imposed by some governorates on the entry of displaced persons into their community, the Representative emphasized the fundamental right to seek to escape violence inside one's country, as mentioned in the Guiding Principles on Internal Displacement. In that regard, he urged local authorities to ensure that displaced persons were not impeded in their efforts to find security and protection inside their country. While only 1 per cent of displaced Iraqis were living in camps, he reminded the authorities that accommodation in camps should be considered a measure of last resort, since camps exposed this vulnerable population to increasing sectarian violence in the country. He encouraged the authorities to consider alternative measures and give preference to accommodating displaced persons

[9] The group consists of: Ms. Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict; Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions; Ms. Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders; Mr. Walter Kälin, Representative of the Secretary-General on the human rights of internally displaced persons; Mr. Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Ms. Yakin Ertürk, Special Rapporteur on violence against women, its causes and consequences.

[10] See para. 7 of Human Rights Council resolution 4/8 of 30 March 2007.

[11] See Human Rights Council draft resolution A/HRC/L.6.

within existing communities. Finally, the Representative encouraged the international community, including United Nations agencies, to focus their endeavours on the situation of displaced persons in Iraq and to provide support to the Iraqi Government in that regard.

38. In addition to press releases issued following missions and country visits, the Representative issued a public statement on 1 May 2007 on the deterioration of the situation in Somalia, in conjunction with 11 other special procedures experts, including the independent expert on the situation of human rights in Somalia. In this statement, which referred to the impact of the hostilities on the civilian population, notably by causing further displacements, the experts called on all parties to the conflict to respect their obligations with regard to international humanitarian law and international human rights law.

B. Cooperation with regional organizations

39. The Representative attaches great importance to cooperation with regional organizations which provide considerable support in disseminating the Guiding Principles and which participate in the development of the normative framework for the protection of the human rights of displaced persons. In recent months, he has continued the dialogue with these organizations with a view to supporting their efforts to better address issues of internal displacement and providing a more focused response to the challenges facing their member countries.

1. Africa

African Commission on Human and Peoples' Rights

40. At the fortieth ordinary session of the African Commission on Human and Peoples' Rights, held in Banjul in November 2006, the Representative was invited to make a presentation in which he stressed his ongoing collaboration with the Commission's Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa. In addition, he stressed the need to increase cooperation between the two mandates and to expand joint activities such as joint missions.

41. The Representative continues to maintain regular contacts with his African counterpart and hopes to go on mission with him soon to the Sudan in order to gain insight into the situation of displaced persons in Darfur and the pattern of returns in the southern part of that country.

African Union

42. The Representative had the honour to be invited to participate in a consultative meeting convened by the Political Affairs Department of the African Union on a draft convention on providing protection and assistance to internally displaced persons. The meeting, which was held in Addis Ababa in May 2007, brought together partner organizations of the African Union to discuss this draft convention, which marks an historic step in the development of the regional normative framework on providing protection and assistance to displaced persons. The African initiative is the first attempt to clarify the responsibilities of States and the African Union towards displaced persons throughout the continent.

43. In his opening address, the Representative congratulated the African Union on its initiative and its commitment to better protect internally displaced persons and stressed the need to develop an instrument that was consistent with international human rights law and the Guiding Principles on Internal Displacement. He also welcomed the spirit of openness shown by the Commission in involving all stakeholders in the consultation process, including the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa of the African Commission on Human and Peoples' Rights and also United Nations bodies working in the area of internal displacement and members of international civil society.

44. At that consultative meeting, the draft convention was discussed in detail and suggestions on how to improve it were put forward. The Representative actively participated in the discussions and reiterates his willingness to work with the Commission in developing this important instrument.

2. The Americas

Organization of American States

45. This year once again, the Representative was consulted during the negotiations which led to the adoption of resolution AG/RES.2277 (XXXVII O/07) by the General Assembly of the Organization of American States at its thirty-seventh regular session, which was held in Panama in June 2007.

46. The Representative attaches great importance to the dialogue that was begun several years ago with the inter-American system as a whole and in particular welcomes the fact that the resolution urges "member states to consider using the Guiding Principles on Internal Displacement, prepared by the Special Representative of the United Nations Secretary-General on Internally Displaced Persons, as a basis for their plans, policies, and programs in support of such persons, and, in accordance with international law, in support of, inter alia, indigenous communities and communities of African descent, and the specific needs of children, women, the elderly, and persons with disabilities". In addition, the Representative also notes that the resolution calls on States to incorporate the Guiding Principles into their domestic law.

3. Europe

Council of Europe

47. In January 2007, the Representative travelled to Strasbourg as part of his ongoing dialogue with the Council of Europe and met with the Secretary General, the Commissioner for Human Rights and various members of the Council's Secretariat, including the support staff of the European Committee on Legal Cooperation and the European Committee on Migrants. At those meetings, a number of issues of mutual concern were addressed, including those relating to protracted displacement situations, the search for durable solutions for displaced persons and the need to give further consideration to some issues, such as the right of usufruct and rental right of internally displaced persons. In all the discussions, the need to strengthen cooperation between the Representative and the Council was stressed.

C. Mainstreaming of the fundamental human rights of internally displaced persons into all relevant parts of the United Nations system

48. In accordance with paragraph 23 of resolution 2005/46 of the Commission on Human Rights, which requests him to address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system, during the reporting period the Representative continued to maintain a close dialogue with the various stakeholders involved. In that context, he continued to give special attention to entities working directly on internal displacement issues.

1. Office for the Coordination of Humanitarian Affairs

49. The Representative continued to work closely with the Office for the Coordination of Humanitarian Affairs and with the Emergency Relief Coordinator, thanks to the assistance provided by the Office's support staff member assigned to him who assists with the substantive and logistical preparations for the Representative's missions and working visits. The Representative welcomed the assurances of support given by the new Emergency Relief Coordinator.

2. Inter-Agency Standing Committee

50. During the reporting period, the Representative actively participated in the Committee's deliberations, both at the level of principals and that of the working group. The Representative attaches particular importance to cooperation with the Committee because it is the ideal forum for discussing both the conceptual and practical issues involved in the protection of internally displaced persons.

51. In response to the consultations initiated by the Representative, the Committee adopted this year the conceptual framework on durable solutions for displaced persons. This conceptual framework provides criteria for determining when internally displaced persons should no longer be so classified and no longer require special assistance or protection. In order to facilitate decision-making, the framework provides objective criteria which need to be met in advance, including ease of access to government services, consultation mechanisms with the affected population, and access to objective information on conditions in the new place of residence. The second part of the conceptual framework provides criteria for determining whether a durable solution has been found.

3. Office of the United Nations High Commissioner for Refugees

52. During the reporting period, the Representative continued his very close cooperation with the Office of the United Nations High Commissioner for Refugees, with which he maintains strong ties. This cooperation is reflected not only by the support staff assigned to the Representative, but also by the substantive support provided in mounting and conducting missions, the development of training material and ongoing discussions with individual staff members on issues relating to particular cases and policymaking.

53. In addition, this year the Representative and the Office jointly organized a workshop on protracted displacement situations (see section D below).

54. The Representative welcomes the Office's efforts to carry out its responsibilities within the framework of inter-agency operations dealing with internal displacement situations. He encourages the Office to continue to follow this course of action and to focus on protecting internally displaced persons when necessary.

4. Office of the United Nations High Commissioner for Human Rights

55. In accordance with resolution 2005/46 of the former Commission on Human Rights, the Representative continues to receive assistance from the Office of the United Nations High Commissioner for Human Rights, which is in charge of his secretariat. Such assistance is not only reflected by the substantive and logistic preparations for his missions and working visits but also by the assistance provided in general with regard to all aspects of implementation of his mandate.

56. In addition, during the reporting period the Representative improved information-sharing with the various departments and operational units of the Office in order to enhance coordination and synergies for promoting and protecting the human rights of internally displaced persons.

57. This year, for the first time, the Office assisted with the organization of the course on internal displacement which the Representative coordinates every year in San Remo. Within this context, a senior staff member was seconded to the teaching staff and another staff member participated in the sessions.

5. Peacebuilding Commission

58. In the course of missions to and follow-up activities in countries such as Côte d'Ivoire, Nepal, the Sudan, Georgia, Bosnia and Herzegovina, and Serbia, the Representative analysed the close relationship between the need to find durable solutions for displaced persons, peacebuilding and governance in a specific country. In that connection, he suggested to the secretariat of the Commission that it should include the basic rights of displaced persons in its deliberations. On 2 May 2007, the Representative was invited to address the Commission together with the United Nations High Commissioner for Refugees.

59. In his address, the Representative stressed that in order to build sustainable peace, durable solutions must be found for displaced persons. Efforts to that end should be undertaken as soon as possible in order to avoid protracted displacement situations. He recalled that peacebuilding was a vital component of efforts to find durable solutions for displaced persons and that without durable solutions, peace might be short-lived. In that context, he drew a distinction between the problems faced by the population at large, which could also affect displaced persons, such as security issues, and problems specifically relating to displacement, such as the need to find durable solutions for displaced persons or the return of property they had abandoned when they fled. He proposed that the Commission should address those two issues because of their importance to displaced persons.

60. As the Representative stressed, peace processes might not be sustainable in the long term if the needs of displaced persons are not sufficiently taken into account, especially with regard to the following: restoration of security and disarming of armed groups; reconstruction and economic rehabilitation; return of property and settlement of disputes over land ownership; reconciliation, including measures to

combat impunity and transitional justice measures; and political transition and the establishment of more accountable government structures and institutions. It is therefore essential that the governments concerned should, as part of their peacebuilding activities, take the necessary measures in cooperation with the international community to ensure that durable solutions are found for displaced persons.

61. Reconstruction and peacebuilding are complex processes. The recent establishment of the Peacebuilding Commission shows the importance the international community attaches to assisting States during the particularly sensitive post-conflict periods. In doing so, the international community undertakes to focus on reconstruction during these perilous transitional periods in order to avoid relapses. Although a number of aspects must be taken into account during peace processes, the Representative stresses that it is important not to overlook the needs of displaced persons because failure to do so might undermine those processes.

D. Capacity-building activities and research

1. Capacity-building

62. Starting from the premise that the dissemination and promotion of displaced persons' human rights are at the very heart of the mandate entrusted to him by the now defunct Commission on Human Rights, this year the Representative has continued to focus on building the capacity of the various actors involved in the management of issues relating to internal displacement.

63. Accordingly, this year he again organized, in collaboration with the Brookings-Bern Project, the second and third courses on internal displacement at the Institute for International Humanitarian Law in San Remo (Italy). For the first time, and at the Representative's request, the United Nations High Commissioner for Human Rights, who had, until now, sent an expert to present one of the course modules, joined the organizers. The courses, which took place in November 2006 and June 2007, respectively, are intended for political decision-makers and legislators, as well as for representatives of international governmental and non-governmental organizations dealing with issues relating to internal displacement, and are designed to promote and enhance participants' understanding of the legal and normative framework applicable to displacement issues and to permit discussions among the participants on relevant national legislation and experiences.

64. The Representative was also invited to Ghana from 5 to 17 November 2006 to present the Guiding Principles and the Operational Guidelines on Human Rights and Natural Disasters as part of a training course organized by the Economic Community of West African States.

2. Research

65. During the reporting period, the Representative continued to work closely with the Brookings-Bern Project, which he co-directs. Accordingly, the handbook on the national implementation of the Guiding Principles on Internal Displacement for legislators and decision-makers, on which he is collaborating with the Brookings-Bern Project, is nearing completion. As indicated in the Representative's previous report to the General Assembly (A/61/276), the handbook is intended for use by

governments as a reference tool for the design and implementation of their policies and legislation on internal displacement. In addition, the Brookings-Bern Project is in the process of creating a database of legislation and policies on internal displacement.

66. The study on displaced persons and peace processes, commissioned last year and referred to in the same report, was completed in April 2007 and will be published shortly. The study, which takes as its basis four case studies (Colombia, Georgia, Sri Lanka and the Sudan), examines the way in which issues relating to internal displacement should be addressed in peace agreements and peacebuilding processes and how displaced persons can participate effectively in such processes. Broad-based consultations were held in New York and Geneva with representatives from a number of diplomatic missions as well as with relevant experts. The Representative envisages developing, in cooperation with the Mediation Support Unit of the Department of Political Affairs, a handbook for mediators on the most effective ways of addressing issues relating to internal displacement in peace agreements.

67. With regard to the situation in Iraq, the Representative wished to undertake various projects relating to internally displaced persons. Accordingly, the Brookings-Bern Project published a study on the impact of the rise of sectarianism in the country on internal displacements. The report concludes that displacement is beginning to alter the social and demographic make-up of many urban centres, that there are limited opportunities for any significant return and that displacements are characterized by diversity. The Representative is planning to commission a second, follow-up study on issues relating to displacement in Iraq.

68. The Representative is also interested in issues relating to prolonged displacement and, in that context, he organized, in collaboration with the Office of the United Nations High Commissioner for Refugees and the Brookings-Bern Project, a brainstorming workshop in Geneva on 21 and 22 June 2007. The Representative took the initiative to organize the workshop with a view to identifying the measures needed to improve the assistance and protection offered to individuals in situations of prolonged displacement, with an emphasis on durable solutions. A report on the workshop was prepared, which included recommendations relating to advocacy, reform of the humanitarian sector, international cooperation, operational development and research.

III. Conclusions and recommendations

69. **Internal displacement, whether as a result of natural disasters, conflict situations or large-scale development projects, is now affecting a growing proportion of the world's population. More than 24 million people are currently displaced owing to conflicts in their countries, and millions more are displaced for other reasons. The vast majority of those individuals are in extremely vulnerable and precarious situations, and the governments of the States concerned, as well as the international community as a whole, must honour their commitments to support and protect them. In accordance with the Guiding Principles on Internal Displacement, such protection must be provided at all stages of displacement: as part of efforts to prevent displacement, during**

displacement itself and also as part of the quest for durable solutions, especially in the context of post-conflict peace processes.

70. During the reporting period, the Representative devoted particular attention to the situation of displaced persons in the context of peace processes and peacebuilding. Accordingly, when he received information about the implementation of such processes in countries experiencing problems associated with internal displacement he sent communications to the parties concerned; he drafted and presented to the Peacebuilding Commission a paper on the links between peace processes and internal displacement; and, more generally, he has pursued dialogue with governments and all interested parties, in particular United Nations system organizations in order to continue to raise their awareness about those issues and to cooperate in the quest for durable and just solutions for persons displaced by armed conflicts. The Representative takes the view that certain signs, inter alia the specific inclusion of the issue of displacement in peace agreements, are particularly encouraging but stresses that much remains to be done in that area.

71. In that context, the Representative wishes to make the following recommendations to governments:

(a) Governments should develop national policies and strategies dealing with all stages of displacement — measures to prevent displacement, provide protection during displacement and find durable solutions — which are consistent with the Guiding Principles;

(b) Governments of States that have already developed such strategies should take the necessary measures, particularly in the financial sphere, to ensure their effective implementation;

(c) Governments of States that have been visited by the Representative should take the necessary steps to implement his recommendations;

(d) Within the framework of any peace processes in which they may be involved, governments should ensure that the specific needs and fundamental rights of displaced persons are taken into consideration, particularly with respect to the freedom to choose whether or not to return to their places of origin, to remain in the place of displacement or to move to a different part of the country;

(e) Governments of States where internally displaced persons are found should ensure that they establish and maintain an economic and social environment favourable to the safe and dignified return of such persons; in this context, particular attention should be devoted to issues relating to ownership; at all stages of the process, governments should consult displaced persons on any issues involving them;

(f) Governments should devote particular attention to issues relating to community reconciliation and 'living together again' in order to allow displaced persons to return home permanently and to ensure that peace is sustainable;

(g) Governments should ensure that displaced persons participate fully in the political transition that accompanies peace processes in order to avoid any new tensions that could arise from marginalizing one segment of the population.

72. **In this context, the Representative wishes to make the following recommendations to regional organizations:**

(a) **Regional organizations should pursue efforts to improve the protection offered to displaced persons by promoting a tailored approach based on regional specificities;**

(b) **Regional organizations should continue to develop and implement, at the regional level, the legislative framework for the protection of internally displaced persons by incorporating, as far as possible, the Guiding Principles;**

(c) **Regional organizations should offer the various actors dealing with these issues a regional forum for dialogue and consultation in order to allow for exchanges of information and experiences;**

(d) **Within the framework of any peace processes in which they may be involved, regional organizations should ensure that the fundamental rights of displaced persons are taken into consideration, particularly during community reconciliation.**

73. **In this context, the Representative wishes to make the following recommendations to the international community:**

(a) **The international community should step up its efforts to improve the protection offered to displaced persons and to incorporate their fundamental rights into its activities; in this context, it should call on the Office of the United Nations High Commissioner for Refugees to pursue and strengthen its role as lead agency for the protection of displaced persons in complex emergency situations;**

(b) **Within the framework of the Inter-Agency Standing Committee, the international community should pursue its efforts to improve the coordination of its activities;**

(c) **The international community should encourage United Nations organizations to use the durable solutions framework[12] for displaced persons in specific situations and share any feedback on their experiences with the Inter-Agency Standing Committee and the Representative;**

(d) **The international community should call on the Peacebuilding Commission to include the fundamental rights of displaced persons in its deliberations, taking into account the fact that experience has shown that, in the absence of durable solutions for displaced persons, peace processes might not be sustainable in the long term;**

(e) **The international community should devote particular attention to the situation of displaced persons within the framework of early recovery activities and ensure that, where necessary, they continue to receive assistance;**

(f) **The international community should invite donors to contribute to peacebuilding processes by continuing to support programmes to assist displaced persons and ensuring the constant presence of relevant organizations during transition periods.**

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[12] See http://www3.brookings.edu/fp/projects/idp/2007_DurableSolutionsFramework.pdf.

74. **In this context, the Representative wishes to make the following recommendations to civil society organizations:**

(a) **Civil society organizations should continue to advocate for internally displaced persons and ensure that their needs and grievances are heard by all actors dealing with issues relating to displacement;**

(b) **Civil society organizations should continue to take a human-rights-based approach to assistance activities and work to ensure that the human rights of displaced persons are better protected;**

(c) **Civil society organizations should pursue dialogue with Governments, United Nations organizations and all concerned stakeholders in order to strengthen support for and protection of internally displaced persons.**